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March 1, 1989

SF FILE NUMBER

5-6.01VIA FEDERAL EXPRESSMr. Gene Taylor, 8HWM-SR  
Remedial Project Manager  
U.S. Environmental Protection Agency, Region VIII  
999 18th Street, Suite 500  
Denver, Colorado 80202-2405RE: EPA's Special Notice Letter for RI/FS on  
Richardson Flat Tailings Site, Summit County,  
Utah

Dear Mr. Taylor:

In answer to EPA's demand for an initial response to its Special Notice letter within fourteen days after its receipt, United Park City Mines Company ("United Park") hereby responds that United Park is always completely willing to negotiate a resolution with EPA to whatever potential liabilities United Park might have concerning the Richardson Flat Tailings Site, Summit County, Utah.

You should be aware, however, that EPA's initiation of its Special Notice Letter at this time is in direct violation of EPA's express commitment to Congressman Wayne Owens, Kenley W. Brunsdale, Edwin L. Osika, Jr., Vice President of United Park, and to me, that EPA would address and resolve the serious procedural and substantive issues, concerning EPA's proposed listing of the site, prior to the time EPA would spend, or require United Park to spend, any money on a Remedial Investigation/Feasibility Study (RI/FS) for Richardson Flat. I am enclosing a copy of United Park's letter to Larry G. Reed which summarizes the commitment made and assurance given by EPA on October 5, 1988.

Consequently, United Park requests that EPA honor its commitment to Congressman Owens and United Park by withdrawing its Special Notice letter and proceeding to address and resolve

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the critical issues raised in United Park's Comments, a copy of which is enclosed.

In addition, please be advised of the following errors and deficiencies in EPA's Special Notice letter:

1. EPA's Special Notice letter is addressed to United Park's registered agent as: "Registered Agent: Steven A. Goodsell, 406 West First Street, Salt Lake City, Utah 84101." This information is entirely incorrect. The address and name of the agent used by EPA might have been correct at one time for Union Pacific Railroad Company, but never for United Park. EPA has ignored the correct information which has previously been supplied by United Park.

2. EPA's Special Notice letter states: "This letter follows notice letters that have been issued to you in connection with ... the site" and "As indicated in the 104(e) notice letter previously sent regarding this site..." (p.1). United Park has not received any previous notice, General Notice, or Special Notice, regarding its potential liability for the Richardson Flat site. The EPA has only sent United Park a request for information concerning the site, pursuant to CERCLA §104(e), with which request United Park has readily and completely complied.

3. On page 2 of its Special Notice letter, EPA states: "The 60-day negotiation period ends on April 10, 1989." However, Section 122(e)(2) of CERCLA provides persons receiving a Special Notice shall have "60 days from the date of receipt of such notice" to make a proposal. Consequently, according to the statute, both the 60-day and the additional 30-day moratorium periods do not begin to run until United Park's receipt of the Special Notice letter on February 16, 1989. Accordingly, EPA should correct its misstatements of the law on page 2 of its Special Notice letter.

4. Although EPA references a "Draft Administrative Order" on pages 3 and 4 of its Special Notice letter, EPA has sent no "Draft Administrative Order" to United Park.

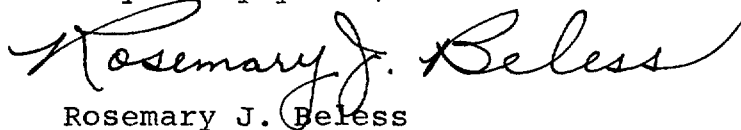
5. The Scope of Work plan prepared by the State of Utah and enclosed with EPA's Special Notice letter is not site-specific to the Richardson Flat site and ignores the important and substantive information submitted in United Park's detailed Comments, a copy of which is enclosed. Indeed, the State's Work Plan has been so hastily prepared, with no attention

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to current, site-specific data, that it references "Wasatch" (probably the Wasatch Chemical site) in sections where it should be referring to Richardson Flat. Based upon the State of Utah's poor performance at the Prospector Square tailings site and the work which the State has performed at the Richardson Flat site (the State's Preliminary Assessment and Site Inspection at Richardson Flat were so inadequate that they had to be discarded and re-performed by EPA), United Park would resist the appointment of the State of Utah as the lead agency for the Richardson Flat site.

Because EPA has mistakenly initiated its Special Notice letter and time is of the essence, we request that, pursuant to EPA's commitment to Congressman Owens and United Park, EPA immediately withdraw its Special Notice letter and proceed according to its prior commitment.

Very truly yours,



Rosemary J. Beless

Attorney for United Park  
City Mines Company

Enclosures (2):

Letter to Mr. Larry Reid  
Comments of United Park City Mines Company in Opposition  
to Proposed Rule

cc: Representative Wayne Owens  
Larry G. Reed, EPA  
Stephen Lingle, EPA  
Sandra Moreno, Region VIII, EPA  
Brent Bradford, Utah Department of Health  
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ASARCO, Inc.  
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